IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 16TH OCTOBER 2006 / 24TH ASWINA 1928

Bail Appl..No. 5996 of 2006()

CC.874/2003 of J.M.F.C.,ALATHUR
CRIME NO.245/2003 OF ALATHUR POLICE STATION.

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PETITIONER: ACCUSED.

MEERAN SAHIB, S/O.ALU RAWTHER, AGED 71
YEARS, VADAKKETHARA, ERIMAYOOR, PALAKKAD DISTRICT.

BY ADV. SRI.JOHNSON P.JOHN
SRI.BABY MATHEW

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,\
ALATHUR POLICE STATION, PALAKKAD DISTRICT.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No. 5996 of 2006

Dated this the 16th October, 2006.

O R D E R

Petitioner is before this Court under Section 438 Cr.P.C., as non bailable warrant is pending against him, in C.C.No.874/2003, on the file of the Judicial First Class Magistrate Court, Alathur.

2. When the application came up for consideration, the learned counsel, Mr.Baby Mathew, submitted that the petitioner was absent only for a day. However, the court below has issued the warrant, despite the filing of an application for condonation of his absence. Therefore, I have directed the learned Public Prosecutor to verify from the court records, whether the petitioner was absent only for one posting or for more posting dates. However, the learned Public Prosecutor now confirms, upon instructions, that the petitioner was absent only for a day, and the warrant was subsequently issued.

3. In the above facts situation, I dispose of this application, directing the petitioner to surrender before the Judicial First Class Magistrate Court, Alathur, on 19.10.2006, at 11 A.M., and

move an application for bail. The learned Magistrate shall allow the application for bail that may be filed by the petitioner, and he shall be released with the same conditions which had already been imposed. The bail bond, if cancelled, shall be revived, and the existing sureties shall also continue. No fresh bond need be executed.

J.M. JAMES,
JUDGE

nj.